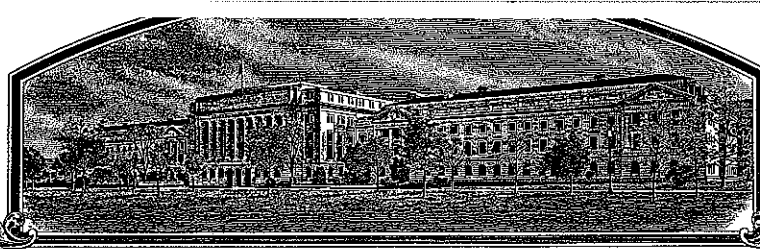


No.

200500066



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Speight Seed Farms, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

TOBACCO

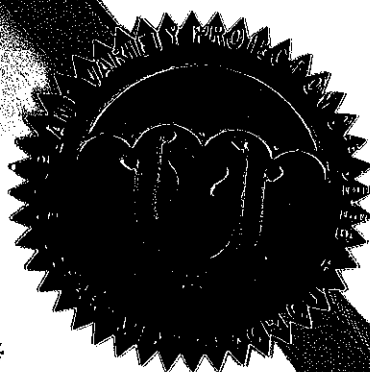
'Speight 210'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this ninth day of March, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER SPEIGHT SEED FARMS, INC.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME SPEIGHT 210	3. VARIETY NAME SPEIGHT 210
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 3719 SPEIGHT SEED FARM ROAD. WINTERVILLE, NC. 28590		5. TELEPHONE (include area code) 252-7560718	FOR OFFICIAL USE ONLY 200500066
		6. FAX (include area code) 252-756-8699	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) SPEIGHT SEED FARMS, INC.	8. IF INCORPORATED, GIVE STATE OF INCORPORATION NORTH CAROLINA	9. DATE OF INCORPORATION 11-1-72	FILING DATE 1/4/2005

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) RACHEL S. SNYDER PO BOX. 1250 WINTERVILLE, NC. 28590-1250		FILING AND EXAMINATION FEES: FEE \$ 3652.00 DATE 1-4-2005 CERTIFICATION FEE \$ 768.00 DATE 10/18/06
---	--	---

11. TELEPHONE (Include area code) 252-756-07-18	12. FAX (Include area code) 252- 756-8699	13. E_MAIL	14. CROP KIND (Common Name) FLUECURED TOBACO
15. GENUS AND SPECIES NAME OF CROP NICOTIANA TABACUM		16. FAMILY NAME (Botanical) SOLANACEAE	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input checked="" type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input type="checkbox"/> NO (If "no," go to item 22)	
		20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
		21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input checked="" type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	

24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER SPEIGHT SEED FARMS, INC. RACHEL S. SNYDER		SIGNATURE OF OWNER	
NAME (Please print or type) PRESIDENT Rachel S. Snyder		NAME (Please print or type)	
CAPACITY OR TITLE	DATE 1/3/05	CAPACITY OR TITLE	DATE

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$3,652 (\$432 filing fee and \$3,220 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$432 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvpo/pvp.htm>

200500066

ITEM

- 18a. Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) evidence of uniformity and stability; and (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
- (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
- (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

21. CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

NONE SOLD OUTSIDE OF UNITED STATES
JANUARY 6, 2004. FIRST SALE UNITED STATES.

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority. For example, for agricultural and vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705.

Telephone: (301) 504-8089. <http://www.ams.usda.gov/lsg/seed.htm>

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 3.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

ST-470 (02-10-2003) designed by the Plant Variety Protection Office with Word 2000. Replaces former versions of ST-470, which are obsolete.

2

ORIGIN AND BREEDING HISTORY OF THE VARIETY

EXHIBIT A

PEDIGREE: (SPEIGHT 116 X SPEIGHT 126)
(K 346 X SPEIGHT 128)

NAME: SPEIGHT 210

1992. ORIGINAL CROSS MADE
SPEIGHT SEED FARMS, INC.
WINTERVILLE, NC.

PARENTAGE

A51 (SPEIGHT 116 X SPEIGHT 126)
SPEIGHT 116 1989 REGIONAL SMALL PLOT.
SPEIGHT 126 RELEASED IN 1992

A58 K346 X SPEIGHT G-28
K346 RELEASED IN 1988
SPEIGHT G-28 RELEASED IN 1969

1993. A51F1, AND A58F1 PLANTED IN CROSSING NURSERY.
A51 MALE PARENT
A51 X A58 DESIGNATED AS A101 F2 GENERATION

1994. F2 GENERATION PLANTS GROWN IN BLACK SHANK AND
BACTERIAL WILT NURSERIES. SINGLE PLANT SELECTIONS
MADE FOR RESISTANCE AND PLANT TYPE.

1995. F3 GENERATION PLANTS GROWN IN BLACK SHANK AND
BACTERIAL WILT NURSERIES. AGAIN SINGLE PLANT
SELECTIONS MADE FOR RESISTANCE AND PLANT TYPE.
A101 WAS ALSO GROWN IN THE YIELD AND QUALITY PLOT.
THERE IT WAS TESTED FOR YIELD, QUALITY, CHEMICAL
COMPOSITION AND PLANT TYPE.

1996. F4 GENERATION PLANTS GROWN IN BLACK SHANK, AND
BACTERIAL WILT NURSERIES. SINGLE PLANT SELECTIONS
MADE FOR RESISTANCE AND PLANT TYPE. ALSO GROWN IN
YIELD AND QUALITY PLOT. HERE IT WAS AGAIN TESTED FOR
YIELD, QUALITY, CHEMICAL COMPOSITION AND PLANT TYPE.

ORIGIN AND BREEDING HISTORY OF THE VARIETY CONTINUED

EXHIBIT A

1997. F5 GENERATION PLANTS GROWN IN BLACK SHANK AND BACTERIAL WILT NURSERIES. SINGLE PLANT SELECTIONS WERE MADE FOR DISEASE RESISTANCE. DATA ON YIELD, QUALITY, CHEMICAL COMPOSITION AND PLANT TYPE OBTAINED FROM YIELD AND QUALITY PLOT. THE LINE WAS JUDGED TO BE UNIFORM AND STABLE AND ADVANCED TO F6 GENERATION. NO VARIANTS WERE OBSERVED.
1998. A 101 WAS NAMED SPEIGHT 210. F6 GENERATION SEED WAS PLANTED IN OFFICIAL VARIETY TESTS AS AN ADVANCED BREEDING LINE IN THE FIVE FLUE-CURED TOBACCO GROWING STATES. FIVE LOCATIONS IN NORTH CAROLINA AND ONE LOCATION EACH IN FLORIDA, GEORGIA, SOUTH CAROLINA AND VIRGINIA. FURTHER TESTING WAS CONDUCTED IN SPEIGHT SEED FARMS FOR BLACK SHANK, BACTERIAL WILT, YIELD OF QUALITY AND CHEMICAL COMPOSITION. SINGLE PLANT SELECTIONS WERE AGAIN MADE FOR RESISTANCE. SPEIGHT 210 WAS JUDGE TO BE STABLE. IT COMPARED FAVORABLE TO THE NC2326 AND NC95 FOR YIELD, QUALITY AND CHEMICAL COMPOSITION. BLANC SHANK AND BACTERIAL WILT DISEASE INDEX WAS HIGHER THAN THA OF THE CHECK VARIETIES. NO VARIANTS WERE OBSERVED IN THE OFFICIAL VARIETY TEST OR AT SPEIGHT SEED FARMS, INC.
1999. SPEIGHT 210 WAS PLACED IN THE REGIONAL SMALL PLOT TEST (F7 GENERATION). THIS AGAIN INVOLVED TEST IN THE FIVE FLUE CURED TOBACCO GROWING STATES. TESTING CONTINUED ON SPEIGHT SEED FARMS FOR DISEASE RESISTANCE, YIELD, QUALITY AND CHEMICAL COMPOSITION. SINGLE PLANT SELECTIONS MADE FOR RESISTANCE. SPEIGHT 210 WAS GROWN IN LARGER ON FARM TEST PLOTS. SPEIGHT 210 PASSED THE SMALL PLOT TEST AND WAS RECOMMENDED FOR THE REGIONAL FARM TEST. THE LINE WAS ADVANCED TO F8. NO VARIANTS WERE OBSERVED.
2000. SPEIGHT 210 (F8GENERATION) WAS PLACED IN THE REGIONAL FARM TEST. THIS INVOLVED ON-FARM TEST IN FOUR FLUE-CURED TOBACCO GROWING STATES ON 12 FARMS. TESTING CONTINUED ON SPEIGHT SEED FARM IN LARGER ON -FARM PLOT, DISEASE NURSERIES AND YIELD AND QUALITY PLOTS. SINGLE PLANT SELECTIONS MADE IN DISEASE NURSERIES. A SEED CROP OF SPEIGHT 210 WAS GROWN ON SPEIGHT SEED FARMS AND CERTIFIED BY NORTH CAROLINA CROP IMPORVEMENT, PENDING RELEASE BY THE EVALUATION COMMITTE. THE REGIONAL VARIETY EVALUATION COMMITTE RECOMMENDED SPEIGHT 210 FOR RELEASE TO GROWERS. IT MET ALL THE REQUIREMENTS OF THE MINIMIUM STANDARS FOR RELEASE. NO VARIANTS WERE OBSERVED.

ORIGIN AND BREEDING HISTORY OF THE VARIETY CONTINUED

EXHIBIT A

2001. SPEIGHT 210 WAS PLACED IN THE OFFICIAL VARIETY TEST IN THE FIVE FLUE-CURED STATES. IT WAS ALSO GROWN ON SPEIGHT SEED FARMS AS AN EXPERIMENTAL CROP. SPEIGHT 210'S PERFORMANCE COMPARED FAVORABLE TO THAT OF ALL RELEASED VARIETIES. NO VARIANTS WERE OBSERVED.
2002. SPEIGHT 210 WAS PLACED IN THE OFFICIAL VARIETY TEST IN FIVE FLUE-CURED STATES. IT WAS GROWN AS AN EXPERIMENTAL CROP ON SPEIGHT SEED FARMS. SPEIGHT 210'S PERFORMANCE COMPARED FAVORABLE TO THAT OF ALL RELEASED VARIETIES. A SEED CROP OF SPEIGHT 210 WAS GROWN ON SPEIGHT SEED FARMS AND CERTIFIED BY THE NORTH CAROLINA IMPROVEMENT. NO VARIANTS WERE OBSERVED.
2003. SPEIGHT 210 WAS PLACED IN THE OFFICIAL VARIETY TEST IN FIVE FLUE-CURED STATES. IT WAS GROWN AS AN EXPERIMENTAL CROP ON SPEIGHT SEED FARMS. SPEIGHT 210'S PERFORMANCE COMPARED FAVORABLE TO THAT OF ALL RELEASED VARIETIES. A SEED CROP OF SPEIGHT 210 WAS GROWN ON SPEIGHT SEED FARMS AND CERTIFIED BY THE NORTH CAROLINA IMPROVEMENT. NO VARIANTS WERE OBSERVED.
- FALL 2003 SPEIGHT 210 RELEASED TO GROWERS.
2004. SPEIGHT 210 WAS PLACED IN THE OFFICIAL VARIETY TEST IN FIVE FLUE-CURED STATES. IT WAS GROWN AS A CROP ON SPEIGHT SEED FARMS. SPEIGHT 210'S PERFORMANCE COMPARED FAVORABLY TO THAT OF ALL RELEASED VARIETIES. A SEED CROP OF SPEIGHT 210 WAS GROWN ON SPEIGHT SEED FARMS AND CERTIFIED BY NORTH CAROLINA CROP IMPROVEMENT. NO VARIANTS WERE OBSERVED.

STATEMENT OF DISTINCTNESS

EXHIBIT B

TO OUR KNOWLEDGE SPEIGHT 210 MOST NEARLY RESEMBLES NC 2326 AND K346.

SPEIGHT 210 COMPARED TO NC 2326

1. SPEIGHT 210 HAS HIGH RESISTANCE TO BLACK SHANK, BACTERIAL WILT AND ROOT KNOT.
NC 2326 IS SUSCEPTABLE TO BACTERIAL WILT, ROOT KNOT AND HAS LOW RESISTANCE TO BLACK SHANK.
2. SPEIGHT 210 FLOWERS NINE DAYS LATER THAN NC 2326.
3. SPEIGHT 210 HAS AN INTERMEDIATE FLOWER HEAD NC 2326 HAS AN OPEN FLOWER HEAD.
4. SPEIGHT 210 YIELDS 28% MORE THAN NC 2326.
5. SPEIGHT 210 HAS 2 MORE LEAVES THAN NC 2326.
6. SPEIGHT 210 HAS A HIGHER CURED LEAF INDEX THAN NC 2326.
7. THE LEAF COLOR OF SPEIGHT 210 IS LIGHT GREEN. THE LEAF COLOR OF NC 2326 IS DARK GREEN.
8. THE LEAF LENGTH OF SPEIGHT 210 IS LONGER THAN NC 2326 AND WIDER THAN NC 2326.

SPEIGHT 210 COMPARED TO K346

1. SPEIGHT 210 HAS A SLIGHTLY LOWER RESISTANCE TO BLACK SHANK THAN K346.
 2. SPEIGHT 210 HAS HIGHER RESISTANCE TO BACTERIAL WILT THAN K346.
 3. SPEIGHT 210 HAS A SMOOTH LEAF SURFACE COMPARED TO A PUCKERED LEAF SURFACE FOR K346.
 4. THE LEAF COLOR OF SPEIGHT 210 IS LIGHT GREEN. THE LEAF COLOR OF K346 IS GREEN.
 5. THE CURED LEAF GRADE INDEX OF SPEIGHT 210 IS 68; WHERE AS THAT OF K346 IS 65 (3 POINTS DIFFERENCE) .
 6. SPEIGHT 210 YIELDS 37% MORE THAN K346.
 7. THE LEAF SHAPE OF SPEIGHT 210 IS LONGER AND NARROWER THAN OF K346.
- 6

FLUE CURED TOBACCO VARIETY COMMITTEE REPORT - 1999. PAGE 4 TABLE 2 REGIONAL SMALL PLOT COMBINED ANALYSIS WHITEVILLE, ROCKY MOUNT, KINSTON, OXFORD, NC: BLACKSTONE, VA., TIFTON, GA., FLORENCE, SC.

VARIETY	YIELD LBS/A	GRADE INDEX	TOTAL ALK %	RED SUG TA.	RED SUGAR %	PLANT HGT IN.	LEAF No.	DAYS TO FLOWER
NC 2326	2362	53	4.09	3.54	13	36.8	16.3	65
SPEIGHT 210	2805	64	3.41	4.73	14.7	36.2	18.4	74

FLUE CURED TOBACCO VARIETY EVALUATION COMMITTEE. REPORT 1999. TABLE 14, PAGE 25 FLUE CURED. TOBACCO DISEASE RESISTANCE RATINGS - 1999.

VARIETY	BLACK SHANK 2	BACTERIAL WILT 2	ROOT KNOT 3
NC 2326	25.1	20	SUSC.
SPEIGHT 210	5.0	8	RES.

1. HIGHER NUMERICAL RATINGS INDICATE GREATER SUSCEPTIBILITY.

2. FOR BLACK SHANK AND BACTERIAL WILT, A DISEASE INDEX AVG. FOR THE REGION IS GIVEN. THIS INDEX REFLECTS BOTH THE PERCENTAGE OF PLANTS DISEASED AND THE TIME DURING THE GROWING SEASON WHEN SYMPTOMS APPEARED.

3. ROOT KNOT (MELOIDOGYNE INCOGNITA) NOTATIONS ARE MADE IF THE ENTRY IS CARRYING RESISTANCE OR IF IT IS SUCEPTIBLE.

200500066

TABLE 10. COMPARISON OF ENTRIES IN REGIONAL FARM TEST - VARIETIES COMBINED OVER GEORGIA, SOUTH CAROLINA, NORTH CAROLINA, AND VIRGINIA 2000. TABLE 10 PAGE 15.

VARIETY	YIELD LBS/A	VALUE \$/A	INDEX \$/ CWT.	NIC. %	TOT. SEC. ALK.	TOT. ALK. %	TSA /TA %	NIT. NIC.	RED. SUG. NIC.	RED. SUG. %	TOT. NIT. %	USUABLE %
NC2326	2544	4195	163.19	2.83	0.22	3.05	7.1	0.88	5.00	13.5	2.43	36.6
SPEIGHT 210	3244	5566	171.57	2.40	0.20	2.61	7.9	0.97	7.14	16.4	2.27	56.4

PAGE 27 TABLE 14 FLUE CURED TOBACCO DISEASE RATINGS

VARIETY	BLACK SHANK	BACTERIAL WILT	ROOT KNOT
NC 2326	68.7 1	81 1	SUSC.
SPEIGHT 210	11.7 2	38 2	RES.

1. HIGHEAR NUMERICAL RATINGS INDICATE GREATER SUSCEPTIBILITY.
2. FOR BLACK SHANK AND BACTERIAL WILT, A DISEASE INDEX AVG. FOR THE REGION IS GIVEN. THIS INDEX REFLECTS BOTH THE PERCENTAGE OF PLANTS DISEASED AND THE TIME DURING THE GROWING SEASON WHEN SYMPTOMS APPEARED.
3. ROOT KNOT (MELOIDOGYNE INCOGNITA) NOTATIONS ARE MADE IF THE ENTRY IS CARRING RESISTANCE OR IF IT IS SUSCEPTIBLE.

TABLE 3-3 PERFORMANCE OF COMERCIAL VARIETIES INTHE NORTH CAROLINA OFFICIAL VARIETY TEST, COMBINED OVER. FOUR LOCATIONS (2003).

VARIETY	YIELD LB/A	VALUE \$A	PRICE INDEX \$CWT.	GRADE INDEX	DAYS TO FLOWER	LEAVES PER PLANT	PLANT HEIGHT INCHES	LEAF SPACING INCHES	Cured Leaf Analysis RED. SUG. %	TOT. ALK. %	RATIO SUG. ALK.
SPEIGHT 210	2342	4023	170.30	68	64	17.4	38	2.23	16.58	2.60	7.62
K346	2280	3802	165.45	65	64	17.6	38	2.19	15.48	2.52	7.41

TABLE 9-4 RESISTANCE RATINGS OF VARIETIES TO BLACK SHANK AND BACTERIAL WILT.

VARIETY	BLACK SHANK	BACTERIAL	ROOT KNOT NEMATODE
K346	13	24	RESISTANT
SPEIGHT 210	17	16	RESISTANT

- HIGHER NUMERICAL RATINGS INDICATE GREATER SUSCEPTIBILITY.
- FOR BLACK SHANK AND BACTERIAL WILT, A DISEASE INDEX AVG. FOR THE REGION IS GIVEN. THIS INDEX REFLECTS BOTH THE PERCENTAGE OF PLANTS DISEASE AND THE TIME DURING THE GROWING SEASON WHEN SYMPTOMS APPEARED.
- ROOT KNOT (MELOIDOGYNE INCOGNITA) NOTATIONS ARE MADE IF THE ENTRY IS CARRYING RESISTANCE OR IF IS SUSCEPTIBLE.

200500062

OBJECTIVE DESCRIPTION OF VARIETY
Tobacco (Nicotiana tabacum)

NAME OF APPLICANT(S) SPEIGHT SEED FARMS, INC.	EXPERIMENTAL DESIGNATION(S) SPEIGHT 210	VARIETY NAME OR TEMPORARY DESIGNATION SPEIGHT 210
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P O. BOX. 1250, WINTERVILLE, NC. 28590		FOR OFFICIAL USE ONLY 200300066

INSTRUCTIONS: Place the appropriate number that best describes the varietal character of typical plants in the blocks below. The symbol ▲ indicates a decimal. Present data for Standard Varieties as requested.

STANDARD VARIETIES AND CODE NUMBERS

01 = NC 95	04 = Hicks	07 = Madole	10 = KY 17	13 = KY 160
02 = NC 2326	05 = Speight G-28	08 = Burley 21	11 = VA 509	14 = Pennbel 69
03 = Coker 319	06 = SC 58	09 = KY 14	12 = Maryland 609	15 = Havana 503
				16 = Other

AREA OF ADAPTATION

1. CLASS

1 = Flue-cured	3 = Burley	5 = Dark/air-cured	7 = Cigar binder
2 = Fire-cured	4 = Maryland	6 = Cigar filler	8 = Other

2. MATURITY (Transplant to 50% plants 1 fl.) (Select code from Standard Varieties listed above)

<input type="text" value="7"/> <input type="text" value="4"/>	No. of days	<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value=""/>	No. of days earlier than	<input type="text" value=""/>	<input type="text" value=""/>
	Flowering same as	<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value="9"/>	No. of days later than	<input type="text" value="0"/>	<input type="text" value="2"/>

Maturity Class:

1 = Early (NC 2326, MS KY 14 X L8, MS Bu 37 X L8)
2 = Medium (NC 95, Speight G-28, Coker 319, KY 14, MS Bu 21 X KY 10)
3 = Late (NC 50, Coker 298, VA 509, R7-11)
4 = Very Late (NC 22NF, Bu 64)

3. PLANT HEIGHT (Select code from Standard Varieties listed above)

TOPPED NORMAL

NOT TOPPED (Height to crowfoot)

<input type="text" value="9"/> <input type="text" value="7"/> <input type="text" value="5"/>	cm tall	<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value="2"/> <input type="text" value="4"/> <input type="text" value="9"/>	cm shorter than	<input type="text" value="0"/>	<input type="text" value="2"/>
	topped height same as	<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value=""/>	cm taller than	<input type="text" value=""/>	<input type="text" value=""/>

<input type="text" value="1"/> <input type="text" value="7"/> <input type="text" value="9"/>	cm tall	<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value="2"/>	cm shorter than	<input type="text" value="0"/>	<input type="text" value="2"/>
	non-topped height same as	<input type="text" value=""/>	<input type="text" value=""/>
<input type="text" value=""/>	cm taller than	<input type="text" value=""/>	<input type="text" value=""/>

Height Class:

1 = Short (Speight G-28, Bu 49, Bu 64)
2 = Medium (NC 95, NC 2326, Coker 319, KY 14, KY 17)
3 = Tall (Coker 48, Coker 298, C1 501, Bu 21, R7-11)

4. LEAF SIZE AND ANGLE (At leaf maturity of harvestable leaves counting from the bottom of plant) (Select code from Standard Varieties listed above):

LENGTH

5TH LEAF

10TH LEAF

15TH LEAF

<input type="text" value="7"/> <input type="text" value="2"/> <input type="text" value="4"/>	cm length	<input type="text" value="7"/> <input type="text" value="5"/> <input type="text" value="1"/>	cm length	<input type="text" value="6"/> <input type="text" value="7"/> <input type="text" value="5"/>	cm length
<input type="text" value="9"/>	cm shorter than	<input type="text" value=""/>	cm shorter than	<input type="text" value=""/>	cm shorter than
	length same as	<input type="text" value=""/>	length same as	<input type="text" value=""/>	length same as
<input type="text" value="6"/> <input type="text" value="8"/>	cm longer than	<input type="text" value="5"/> <input type="text" value="0"/>	cm longer than	<input type="text" value="8"/> <input type="text" value="6"/>	cm longer than

Leaf Length Class (10th leaf or center of plant):

1 = Short (Bu 49, Bu 64)
2 = Medium (Bu 21, MS Bu 21 X KY 10)
3 = Long (MS Bu 21 X L8, R7-11)

4. LEAF SIZE AND ANGLE (cont'd)

WIDTH - 5TH LEAF

WIDTH - 10TH LEAF

200500066
WIDTH - 15TH LEAF

cm width

cm narrower than .

width same as . . .

cm wider than . . .

cm width

cm narrower than .

width same as . . .

cm wider than . . .

cm width

cm narrower than .

width same as . . .

cm wider than . . .

3 Leaf Width Class (10th leaf or center of plant)

1 = Very Narrow

2 = Narrow (NC 2326, Bu 64, KY 10)

3 = Medium (Coker 319, MS Bu 21 X KY 10, KY 14)

4 = Broad (NC 13, Coker 139, MS Bu 21 X L8, CL 59)

5 = Very Broad

LEAF ANGLE (Upper angle between stalk and leaf when turgid)

5TH LEAF

10TH LEAF

15TH LEAF

degrees

degrees less than .

angle same as . . .

degrees more than .

degrees

degrees less than .

angle same as . . .

degrees more than .

degrees

degrees less than .

angle same as . . .

degrees more than .

2 Leaf Angle Class (10th leaf or center of plant)

1 = Upright (35 degrees) (Speight G-70, K 399, Bu 49, Bu 64)

2 = Medium Upright (35 - 45 degrees) (NC 73, Speight G-15, MD 10, KY 14, Bu 21)

3 = Medium Drooping (46 - 65 degrees) (Coker 48, Coker 176, MS KY 14 X L8)

4 = Drooping (65 degrees)

5. LEAF YIELD (Select code from Standard Varieties listed above)

kg/ha yield

% less yield than .

yield same as . . .

% more yield than .

6. LEAF NUMBER (Not including 2 bed leaves) (Select code from Standard Varieties listed above)

TOPPED NORMAL

NOT TOPPED (No. of leaves or nodes to crowfoot from 1st harvestable leaf)

No. per plant

No. leaves less than .

Leaf no. same as . . .

No. leaves more than

No. per plant

No. leaves less than .

Leaf no. same as . . .

No. leaves more than

7. INTERNODES AND STALKS (Plants topped normal) (Select code from Standard Varieties listed above)

mm length

mm shorter than .

internodes same as

mm longer than . .

2 Internode Length Class

1 = Short (Speight G-28, Bu 64, Bu 49)

2 = Medium (Coker 319, KY 14)

3 = Long (NC 2326, MS Bu 21 X L8)

Stalk Diameter Class

1 = Small (KY 14, MS Bu 21 X KY 10)

2 = Medium (MS KY 14 X L8, R7-11)

3 = Large (VA 509, KY 17)

8. LEAF CHARACTERISTICS

200500066

- 2 LEAF CARRIAGE (Midrib)
 1 = Arched
 2 = Not arched (Coker 347, Bu 21)

- 1 LEAF COLOR
 1 = Light green (Coker 298, K 399, MD 609)
 2 = Green (NC 95, Coker 48)
 3 = Dark green (MD 10, MD 201, KY 14, KY 15)

- 1 LEAF SHAPE
 1 = Broadest at middle of leaf (Coker 176)
 2 = Broadest below middle (K 399, McNair 373)
 3 = Broadest above middle (Speight G-140)

- 1 TIP SHAPE
 1 = Acute (MD 64)
 2 = Acuminate (Speight G-70, McNair 373, Coker 48)
 3 = Obtuse (MD 872, Reams 64, NC 13)

- 2 VENATION PATTERN
 1 = Square (McNair 944)
 2 = Angular (Speight G-70, Hicks)

- 1 LEAF SURFACE (Web, Rugosity)
 1 = Smooth (Hicks, Speight G-70)
 2 = Puckered (NC 95)

- 2 LEAF MARGIN
 1 = Wavy (McNair 944, MD 59)
 2 = Not wavy (McNair 373, Speight G-70)

- 2 LEAF MARGIN CURVING
 1 = Recurved (MD 59)
 2 = Not recurved (Speight G-70, McNair 373)

9. FLOWERS

- 2 COLOR
 1 = White
 2 = Pink
 3 = Red
 4 = Other (Specify) _____

- 2 FLOWER HEAD HABIT
 1 = Closed (NC 95, Bu 21)
 2 = Intermediate (NC 89)
 3 = Open (Hicks, NC 2326)

10. PLANT FORM

- 1
 1 = Pyramidal (Coker 176)
 2 = Columnar (K 326, Bu 49, Bu 64)
 3 = Inverted cone
 4 = Other

11. GROUND SUCKERS (Select code from Standard Varieties)

0 0 No. per plant

No. per plant less than

No. per plant same as

No. per plant more than

12. DISEASE

- 0 = Not tested 2 = Low resistance 4 = High resistance
 1 = Susceptible 3 = Moderate resistance

- 4 Black Shank (*Phytophthora parasitica* var. *nicotianae* race 0)
 0 Black Shank (*Phytophthora parasitica* var. *nicotianae* race 1)
 0 Black Root Rot (*Thielaviopsis basicola*)
 0 Blue Mold (*Peronospora tabacina*)
 0 Wildfire (*Pseudomonas tabaci*)
 0 Blackfire or Angular Leaf Spot (*Pseudomonas angulara*)
 0 Fusarium Wilt (*F. oxysporum* var. *nicotianae*)
 0 Fusarium Wilt (*F. oxysporum* var. *batatas*)
 0 Frog-eye (*Cercospora nicotianae*)
 0 Brown Spot (*Alternaria alternata*)

- 4 Bacterial Wilt (Granville Wilt) (*Pseudomonas solanacearum*)
 0 Potato Virus Y (Vein banding)
 0 Tobacco Vein Mottling Virus (TMV)
 1 Tobacco Mosaic Virus (TMV)
 0 Tobacco Etch Virus
 0 Cyst Nematode (*Heterodera tabacum*)
 0 Nematode Root Rot (Lesion) (*Pratylenchus* spp.) Species _____
 4 Root Knot Nematode (*Meloidogyne* spp.) Species INCOGNITA
 0 Ozone Air Pollution (Weather fleck)
 Other (Specify) _____
 Other (Specify) _____

13. LEAF CONSTITUENTS (Give data for application and a Standard Variety)

<input type="text"/> <input type="text"/> <input type="text"/> % Nicotine	<input type="text"/> <input type="text"/> <input type="text"/> % Nicotine (standard) <u>02</u>
<input type="text"/> <input type="text"/> <input type="text"/> % Nor Nicotine	<input type="text"/> <input type="text"/> <input type="text"/> % Nor Nicotine (standard) <u>02</u>
<input type="text"/> <input type="text"/> <input type="text"/> % Total Nitrogen	<input type="text"/> <input type="text"/> <input type="text"/> % Total Nitrogen (standard) <u>02</u>
<input type="text"/> <input type="text"/> <input type="text"/> % R. Sugars Flue-cured	<input type="text"/> <input type="text"/> <input type="text"/> % R. Sugars Flue-cured (standard) <u>02</u>

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE(S) THE APPLICATION VARIETY. (For the following characteristics indicate "Degree of Resemblance" by placing in the column marked "D.R.," one of the following numbers)

- 1 = Application variety is less than comparison variety
2 = Same as
3 = More than, better, greater, darker, etc.

200500066

CHARACTERISTICS	VARIETY(S)	D.R.	CHARACTERISTICS	VARIETY(S)	D.R.
Flowering	K346	2	Leaf tip shape	K346	2
Leaf length	NC2326	3	Venation pattern	K346	2
Leaf width	NC2326	3	Leaf surface	NC2326	2
Leaf carriage	NC2326	2	Leaf margin	K346	2
Petiole angle	NC2326	2	Leaf color	K346	1
Leaf shape	K346	3	Plant form	K346	2

15. COMMENTS (Describe all characters and conditions that cannot be adequately described in this form (lodging resistance disease ratings compared to standard checks, etc.)

SPEIGHT 210 MOST RESEMBLES K346 FOR CERTAIN CHARACTERISTICS AND NC2326 FOR OTHERS.

SPEIGHT 210 RESEMBLES K346 FOR FLOWER HEAD HABIT, LEAF TIP SHAPE VENATION PATTERN, LEAF MARGIN AND PLANT FORM. SPEIGHT 210 HAS A SLIGHTLY LOWER BLACK SHANK RESISTANCE AND A HIGHER RESISTANCE FOR BACTERIAL WILT THAN DOES K346. BOTH VARIETIES ARE RESISTANT TO ROOT KNOT NEMATODES.

SPEIGHT 210 HAS A LEAF COLOR OF LIGHT GREEN; WHERE AS THAT OF K346 IS GREEN.

THE LEAF SHAPE OF SPEIGHT 210 IS LONGER AND NARROWER THAN THAT OF K346.

SPEIGHT 210 RESEMBLES NC2326 FOR LEAF CARRIAGE, PETIOLE ANGLE, AND LEAF SURFACE. THE LEAF LENGTH OF SPEIGHT 210 IS LONGER THAN THAT OF NC2326.

THE LEAF WIDTH OF SPEIGHT 210 IS WIDER THAN THAT OF NC2326.

NC2326 IS SUSCEPTABLE TO BACTERIAL WILT AND ROOT KNOT NEMATODES, AND HAS LOW RESISTANCE TO BLACK SHANK.

SPEIGHT 210 HAS HIGH RESISTANCE TO BLACK SHANK, BACTERIAL WILT AND ROOT KNOT NEMATODES. SPEIGHT 210 HAS AN INTERMEDIATE FLOWER HEAD AND NC2326 BY 28%. THE LEAF COLOR OF SPEIGHT 210 IS LIGHT GREEN AND THE LEAF COLOR OF NC2326 IS DARK GREEN.

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) SPEIGHT SEED FARMS, INC.	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER SPEIGHT 210	3. VARIETY NAME SPEIGHT 210
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) SPEIGHT SEED FARMS, INC. 3719 SPEIGHT SEED FARM ROAD. PO. BOX. 1250 WINTERVILLE, NC. 28590	5. TELEPHONE (Include area code) 252 756-07-18	6. FAX (Include area code) 252 756-86-99
7. PVPO NUMBER 200500066 990005002		
8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
--

10. Is the applicant the original owner? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, please answer <u>one</u> of the following:
a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country
b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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